IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7344 of 2006()

CR.NO.27/06 OF PATTAMBI EXCISE RANGE.

APPLICANT ACCUSED

SUKUMARAN @ APPUNNI,
S/O.KUNJAN, CHOLAYEL HOUSE,
MUTHUTHALA VILLAGE, OTTAPALAM TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENT: COMPLAINANT AND STATE

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7344 OF 2006

DATED THIS THE 15TH DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the accused in C.R.No.27/06 of Pattambi Excise Range for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found in possession of 9 litres of arrack on 17.11.2006, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn